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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,241	06/13/2000	Jeff C. Kunins	TM00-004.US	5696

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EXAMINER

WOOD, WILLIAM H

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 01/30/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/592,241

Applicant(s)

KUNINS ET AL.

Examiner

William H. Wood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-29 are pending and have been examined.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-7, 9-22 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burg** et al. (USPN 6,456,699) in view of **House** et al. (USPN 6,119,247). For the sake of brevity only necessary additional amendments will be addressed below, as the rejection is essentially the same as provided in the previous office action mailed 2 July 2003.

Claim 1

Burg disclosed the limitations as previously stated in the office action mailed 2 July 2003. For the sake of brevity, only the newly amended limitations will be addressed here. **Burg** did not explicitly state receiving ... a plurality of selectable types of debugging events usable in a call flow; selecting one or more types of debugging events; and presenting the call flow to the remote computer over the network interface using the selected types of debugging events. **House** demonstrated that it was known at the time of invention to incorporate selectable debugging methods for use in reporting back to a remote computer during application execution (column 7, lines 8-17 and lines

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57-61; remote computer sending controls to the debug process and receiving results).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement the interactive telephone system of **Burg** with selectable debugging methods incorporated within the software as found in **House's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide users with a method and system for allowing developers to locate and track errors (**House**: column 2, lines 43-46), and thus provide improved software.

Claims 4, 13 and 17

Additional support for rejections of these claims found in **House** column 7, lines 8-9.

3. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burg et al.** (USPN 6,456,699) in view of **House et al.** (USPN 6,119,247) as applied to claim 1 and in further view of "Dictionary of Computing" herein referred to as **Computing**.

Claim 3 and 8

Burg and **House** disclosed the method of claim 1, wherein types of debugging events include errors (**House**: column 7, lines 12-14). **Burg** and **House** did not explicitly state a general flow trace, an event trace, a field fill trace, a variables trace, and, optionally, a custom trace. **Computing** demonstrated that it was known at the time of invention to use various forms of tracing to monitor execution of a software system (page 507-508;

"tracing program"). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the development system of **Burg** and **House** with traces including event and field fill traces or variable traces and custom traces as found in **Computing's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to monitor execution of a software system under development and furthermore, **House** indicates the use of traces in general (column 7, lines 6-8).

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Burg** et al. (USPN 6,456,699) in view of **House** et al. (USPN 6,119,247) as applied to claim 15 and in further view of **Curreri** et al. (USPN 6,091,896).

Response to Arguments

5. Rejections of claims 17 and 19 under 35 U.S.C. 112 are withdrawn.

6. Applicant's arguments filed 22 September 2003 have been fully considered but they are not persuasive. For the sake of brevity only necessary additional amendments will be addressed below, as the rejection is essentially the same as provided in the previous office action mailed 2 July 2003. Applicant argues the cited prior art references do not disclose the limitations concerning *receiving selected types of debugging events*. This is untrue. As demonstrated above in the rewritten rejections, **Hous** does indicate providing "debugging events". **House** disclosed watching the application for failures (column 7, lines 12-14), using a software trace (column 7, liens 6-

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8), controlling code through breakpoints (column 7, lines 14-18), controlling code through code insertion (column 7, lines 59-60), setting flags (column 7, line 60) and examining variables (column 7, line 60). **House** even provided that other techniques are available (column 7, lines 16-18 and lines 60-61). Furthermore, **House**, as has been shown, provides more than a simple general statement. Thus, as this is believed address Applicant's concerns, the claimed invention is shown to still read upon the cited prior art.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (703)305-3305. The examiner can normally be reached 7:30am - 5:00pm Monday thru Thursday and 7:30am - 4:00pm every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

William H. Wood
January 14, 2004

Kakali Chaki

**KAKALI CHAKI
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